

REMARKS

Claims 1–8, 10, and 11 are pending. Claim 1 is amended. Claims 13–23 are canceled without prejudice or disclaimer. Claims 9 and 12 were previously canceled. Claims 13–23 were previously withdrawn as the result of an earlier restriction requirement. Claim 1 is independent.

1. Support for Claim Amendments

1.1. Regarding claim 1, support for the amendments can be found in the original specification at least on page 5, lines 18–20; page 11, lines 10–15; page 16, lines 1–8; page 17, lines 7–9. Therefore, the amendments do not constitute new matter.

2. Rejections under 35 U.S.C. §101—Claims 1–8, 10, and 11

2.1. The Examiner has rejected claims 1–8, 10, and 11 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicants respectfully traverse and submit that the claims, both in their original form and as presently amended, satisfy all requirements under 35 U.S.C. §101.

2.2. Specifically regarding independent claim 1, this claim has been amended to positively recite the machine to which it is tied: the source computer on which a tool operates to perform the surveying. Accordingly, independent claim 1 and its dependent claims 2–8, 10, and 11 are directed to statutory subject matter. Therefore Applicants respectfully request that the Examiner withdraw the rejection.

3. Rejections under 35 U.S.C. §103—Claims 1–8, 10, and 11

3.1. The Examiner has rejected claims 1–8, 10, and 11 under 35 U.S.C. §103(a) as being unpatentable over Linberg (US 6,442,433) in view of Fawcett (US 6,073,214). Applicants respectfully traverse for at least the reasons discussed herein below.

3.2. Regarding independent claim 1, the claim has been amended to recite:

“...a) causing the contents of a source computer to be surveyed; b) *from said surveying, gaining knowledge of the components of said source computer, said surveying performed by a tool operating on the source computer, said knowledge comprising an inventory of components and user settings and user preferences of the source computer, ...* g) *migrating to said target computer at least some of components of the inventory of components of the source computer, and at least some of the user settings of the source computer, and at least some of the user preferences of the source computer...*”

3.3. But Linberg and Fawcett, considered separately and in combination, fail to disclose or suggest surveying a computer to gain knowledge of its components where that knowledge comprises “*an inventory of components and user settings and user preferences of the source computer*”, as recited in claim 1. Further, Linberg and Fawcett, considered separately and in combination, fail to disclose or suggest “*migrating to said target computer at least some of components of the inventory of components of the source computer, and at least some of the user settings of the source computer, and at least some of the user preferences of the source computer*”, as recited in claim 1.

3.3.1. In particular, Linberg teaches an element that “may assess, monitor or analyze various *data and information* relating to programmer 20 or its components. For example, data resource 100 can analyze *the performance history of a specific*

component of programmer 20. More specifically, data resource 100 can analyze **usage statistical data, component status information** or analyze **error information** of programmer 20" (col. 13, lines 25–31; also see col. 14, lines 1–17). But Linberg's *data and information* does not include and is different than "*user settings and user preferences of the source computer*", as recited in claim 1.

3.3.2. Further, Fawcett teaches that during an inventory of a computer, "*data is collected about all **computer software installed on the user computer***" (col. 7, lines 29–30). The data collected is further defined as "***the software title, date, version, file size, file checksum, directory location on the user computer, etc. are collected***" (col. 7, lines 30–32). But Fawcett's *collected data* does not include and is different than "*user settings and user preferences of the source computer*", as recited in claim 1.

3.3.3. Therefore, Linberg and Fawcett, considered separately and in combination, fail to disclose or suggest the combination of features recited in claim 1. Accordingly, Applicants submit that claim 1 is patentable over Linberg, even in view of Fawcett. Therefore, Applicants respectfully request that the Examiner withdraw the rejection.

3.4. Regarding claims 1–8, 10, and 11, these claims depend from allowable claim 1 and are therefore likewise allowable for at least the same reasons.

CONCLUSION

Accordingly, in view of the above Amendments and Remarks it is submitted that the claims are patentably distinct over any cited art and that all the rejections to the claims have been overcome. Based on the foregoing, Applicants respectfully request that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this Amendment, that the Application is not in condition for allowance, the Examiner is requested to call the Applicants' representative at the telephone number listed below.

Amendment Responsive to 11-16-2009 Final Office Action
Application Number: 10/731,571
Attorney Docket Number: 317071.01

AMENDMENT

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time.

Respectfully submitted,

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Date: 1-6-2010

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